

CITY OF ALAMO HEIGHTS
CITY COUNCIL
November 9, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, November 9, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Councilmember Stan McCormick
Councilmember Bobby Rosenthal
Councilmember Jill Souter
Councilmember Susan Harwell

Also attending were:

City Manager Ann Benson McGlone
Assistant City Manager/Public Works Director Shawn P. Eddy
City Attorney Mike Brenan
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Brian Chandler
Human Resource Manager/Deputy City Secretary Judith E. Surratt
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

Absent was:

City Secretary Jennifer Reyna

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Mayor Louis Cooper called the meeting to order at 5:30 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the October 26, 2009, City Council Meeting. A motion was made by Councilmember Susan Harwell to approve the minutes of October 26, 2009. The motion was seconded by Councilmember Jill Souter and passed by 4 ayes and 0 nays.

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Item # 2 City Manager's Report

- a. Announcement of the installation of approximately ninety (90) drainage marker plaques on all City storm drainage inlets in accordance with the City's adopted Storm Water Management Plan (SWMP)**

Assistant City Manager/Public Works Director Shawn P. Eddy provided a brief presentation on the installation of drain marker plaques on each of the City's storm drainage inlets in accordance with the adopted Storm Water Management Plan (SWMP). The purpose of the plaques is to identify storm drainage inlets to the public in an effort to reduce storm water pollution. Mr. Eddy passed around a metal marker as an example of the drain marker plaques.

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Citizens To Be Heard Concerning Non-Agenda Items

Sarah Reveley, 436 Corona, provided background information about the Paula Loyd Foundation. She requested that the City of Alamo Heights include a mention of the Paula Loyd Foundation in the monthly newsletter.

Patricia Evans, 140 Patterson Avenue, announced if a resident had not received their new phone book to call AT&T. She referenced that the number to call was also listed in the front section of the old phone book.

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Consent Items

Item # 4 Mayor Cooper read the following captions.

RESOLUTION NO. 2009R-011

A Resolution casting the votes of the City for Bill Kiel for election to the Bexar Appraisal District Board of Directors

Item # 5 **Consideration of Architectural Review Board Case No. 344 F, submitted by La Villita Heights C.O.A., requesting approval on a building permit for 121-135 Routt Street to replace the existing roof material with a standing seam metal roof on a property zoned Multi-Family District**

Item # 6 **Approval/Acceptance of Texas Department of State Health Services (TxDSHS) FY 2010/Local EMS Projects Grant**

A motion for approval was made by Councilmember Susan Harwell. The motion was seconded by Councilmember Bobby Rosenthal and passed by unanimous vote.

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Items for Individual Consideration

Item # 7 Mayor Cooper read the following caption.

A request for a Demolition Permit for a garage located at 309 College Boulevard by Scott and Lela Adams, owners, to demolish the existing single-story detached single-car garage for the purpose of constructing a new single-story two-car carport on a property zoned Single Family - A

Community Development Director Brian Chandler made a PowerPoint presentation that included photos, existing and proposed site plans, and elevations. Staff recommended approval.

No written or electronic communications had been received. The project did not require any variances.

A motion for approval was made by Councilmember Bobby Rosenthal. The motion was seconded by Councilmember Stan McCormick and passed by unanimous vote.

Item # 8 Mayor Cooper read the following caption.

A request for a demolition permit for 711 Imlay Street by Shelly Home Company, owner, represented by Richard Garison, architect, to demolish the existing single-story single family residence and detached single-story garage for the purpose of constructing a new two-story residence and detached two-story garage on a property zoned Single Family -A

Community Development Director Brian Chandler made a PowerPoint presentation that included photos, existing and proposed site plans, elevations and photos of adjacent properties. Staff recommended approval.

No written or electronic communications had been received. The project did not require any variances.

Councilmember Rosenthal expressed concern about the second story on the garage and the impact on the neighborhood. Councilmember Rosenthal asked about the inspection during the framing stage to ensure that height requirements are met. Mr. Richard Garison, architect, representing Shelly Home Company, responded that the accessory building is about 400 square feet and that all windows are placed high on the structure. City Manager Ann McGlone explained that any time a proposed structure is within one foot of the requirement, an inspection is automatically done and the process has worked well.

Councilmember McCormick commented that the two renderings of the structure did not match. Mr. Garison explained that in one drawing, the original porch extended into the yard but was removed due to the set-back requirements; the second drawing reflected the removal of the extension. Councilmember McCormick asked about the height of the windows. Mr. Garison replied five feet.

There was discussion among City Council whether the proposed garage qualified as a residence. City Attorney Mike Brenan verified that the garage did not qualify as a residence, the proposed structure includes a bedroom and a bathroom but no kitchen.

Councilmember Harwell asked about drainage and the removal of trees. Mr. Garison responded to the drainage question stating that the site plan shows the drainage is split with most going toward Imlay Street, the amount of impervious coverage will remain same. Mr. Chandler responded that there are one 4-inch and two 7-inch palm trees and one 4-inch pecan tree that would be removed and no heritage trees are affected.

The following citizens spoke on this matter:

Sarah Reveley, 436 Corona Avenue, commented that the house did not look compatible to the neighborhood since there were two tiny houses on either side and questioned how we determined compatibility. Councilmember Souter explained that compatibility is determined by examining the block face which means looking at all the houses on the block and those behind.

Margaret Spencer, 140 Patterson Avenue, thanked Mr. Chandler for presenting pictures of other houses on the block. She commented that it allowed residents to get a better concept of how the new structure would fit in. Mr. Chandler replied the architect supplied the photos.

Theresa Powell, 718 Imlay Street, stated that she had just moved into Alamo Heights and did not receive notification but that the existing house was in very poor condition and did not fit the character of the neighborhood. Assistant City Manager/Public Works Director Shawn P. Eddy explained that notification was sent to residents with water utility accounts at that time and that she may not have been on the list. Mr. Garison informed Ms. Powell that they had gone door-to-door to speak to residents but that she was not at home at the time.

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember McCormick and passed by unanimous vote.

Item # 9 Mayor Cooper read the following caption.

ORDINANCE NO. 1847

AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO. 1770 PASSED AND APPROVED ON MAY 19, 2008 TO AUTHORIZE THE PLACEMENT OF TELECOMMUNICATIONS EQUIPMENT ON THE NEW 600,000 GALLON ELEVATED WATER TANK AND AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$591,800 TO FUND MODIFICATIONS TO THE 600,000 GALLON ELEVATED WATER TANK TO ACCOMMODATE UP TO SIX (6) TELECOMMUNICATION PROVIDERS ON THE TOP AND

**INTERIOR OF THE TANK AND AUTHORIZING THE
CITY MANAGER TO ACCEPT PURCHASE ORDERS
FROM FOUR (4) TELECOMMUNICATIONS PROVIDERS
TO FULLY FUND THE MODIFICATIONS INCLUDED IN
THE CHANGE ORDER**

Assistant City Manager/Public Works Director Shawn P. Eddy made a PowerPoint presentation on the proposed policy revision and change order. Staff recommended approval.

Mr. Eddy informed City Council of the proposed policy revision which included the transferring of all existing and one additional telecommunications provider located on the existing 100,000 and 300,000 gallon elevated water tanks to the new 600,000 gallon elevated water tank. Four (4) telecommunication providers have agreed to collectively fund the design and construction of the modifications to the tank to accommodate up to six (6) telecommunications providers on the top and interior of the tank.

Councilmember Souter added that by doing it this way it would not affect the warranty. Mr. Eddy confirmed and noted that sometimes there is damage done to the tank when equipment is added after construction. He then explained how the method of installation would eliminate the possibility of damage to the tank and the enclosure around the equipment would keep it from being visible.

Mr. Eddy stated that all equipment would be placed inside and on top of the 600,000 gallon tank and he provided a schedule. The installation shall begin in March 2010 and should be completed in June 2010. Once completed, the 300,000 gallon tank will be repainted.

Councilmember Rosenthal asked why the providers are willing to pay for this. Mr. Eddy responded that it provides better reception and is cheaper than building a tower. He added that the revenue for leasing the tower space would be deposited into the Utility Fund.

Mark Harlien, 126 Abiso Avenue, asked if the tower structure will belong to the City. Mr. Eddy answered that the generator and telecommunications equipment belongs to the providers but the tower belongs to the City.

Councilmember McCormick asked where the generator would be located. Mr. Eddy replied that it would be located on the ground but that all the different generators would be consolidated into just one.

A motion for approval was made by Councilmember Harwell. The motion was seconded by Councilmember McCormick and passed by unanimous vote.

Item # 10 Mayor Cooper read the following caption.

ORDINANCE NO. 1848

AN ORDINANCE AMENDING ARTICLE II. CITY OFFICIALS IN CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 2-28 TITLED INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES

City Attorney Mike Brenan summarized the proposed ordinance that would be codified and bring the City code current.

Mr. Brenan stated this indemnification is extended to members of the City Council, Boards, Commissions, Committees and Volunteers approved by the Mayor or the City Manager. Such indemnification and legal defense is only proposed to be provided to the extent allowed by state law and shall not be provided for knowing, willful or intentional violations of any statute or ordinance.

Councilmember Rosenthal asked if the ordinance would cover former officials who are sued. Mr. Brenan responded yes. Councilmember Souter asked if this ordinance would make us current with the Attorney General's opinions. Mr. Brenan responded yes.

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember McCormick and passed by unanimous vote.

Closed Session


At 6:33 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to consult with the City's Attorneys concerning pending litigation – Alamo Heights Neighborhood Committee et al v. City of Alamo Heights et al.


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Mayor Cooper reconvened the regular meeting at 7:30 p.m. There was no action taken during the closed session.

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There being no further business, a motion was made by Councilmember McCormick to adjourn the meeting. Motion was seconded by Councilmember Souter and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:32 p.m.


Jennifer Reyna, TRMC
City Secretary


Louis Cooper
Mayor